

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SHEMARIAH DEROUX,

Plaintiff,

v.

BOBBCAT FILMS, LLC,
OWN, INC., and SHANE JOHNSON
aka SHANE JOHNSON-BOBB

Defendant.

Civil Action No.

1:25-cv-01566-LMM

PLAINTIFF’S RESPONSE TO
DEFENDANT BOBBCAT FILMS, LLC’S MOTION TO DISMISS AND
PLAINTIFF’S MOTION FOR ADDITIONAL TIME TO SERVE BOBBCAT
FILMS, LLC

COMES NOW Plaintiff Shemariah DeRoux and respectfully submits this Response to Defendant BobbCat Films, LLC’s Motion to Dismiss and Motion for Additional time to Serve Bobbcat Films, LLC and states as follows:

1. Plaintiff’s Motion for Additional Time to Serve

- a. Plaintiff acknowledges the service issues raised in Defendant BobbCat Films, LLC’s Motion. The Registered Agent of Defendant BobbCat Films, LLC is M. WENDY SMITH located at 4801 Fulton Industrial Blvd SW, Atlanta, GA, 30336. Plaintiff’s process server went to the

office building located at 4801 Fulton Industrial Blvd SW, Atlanta, GA, 30336, but Mr. Smoot was the only person available to serve at that time. Additionally, a request for waiver of service has been requested of counsel for Defendant BobbCat Films, LLC.

- b. Plaintiff respectfully Motions for additional time to serve Defendant BobbCat Films, LLC pursuant to Rule 4(m) of the Federal Rules of Civil Procedure to effect proper service on Defendant BobbCat Films, LLC. Plaintiff is actively working to correct any deficiencies in service and intends to properly serve in accordance with applicable rules.

2. Withdrawal of Unjust Enrichment Claim as to Defendants BOBBCAT FILMS, LLC and OWN: OPRAH WINFREY NETWORK LLC

Plaintiff hereby voluntarily withdraws Count 3 (Unjust Enrichment) of the Amended Complaint as to Defendants BobbCat Films, LLC and OWN: Oprah Winfrey Network, LLC.

WHEREFORE, Plaintiff respectfully requests that the Court (1) grant Plaintiff an additional sixty (60) days beyond the prescribed deadline to serve to effectuate proper service on BobbCat Films, LLC, (2) deny Defendant BobbCat

Films LLC's Motion to Dismiss, and (3) deem Count 3 withdrawn as to Defendants BobbCat Films, LLC and OWN: Oprah Winfrey Network, LLC.

Respectfully submitted this 26th day of May, 2025.

/s/Natalie K. Howard
Natalie K. Howard, Esq. GA Bar No. 889108
Attorney for Plaintiff

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with the font and point selections approved by the Court in Local Rule 5.1C. This pleading has been prepared in Times New Roman 14-point font.

Respectfully submitted this 26th day of May, 2025.

/s/Natalie K. Howard
Natalie K. Howard, Esq.
GA Bar No. 889108

CERTIFICATE OF SERVICE

The foregoing was filed using the Court's CM/ECF system, which automatically and contemporaneously sends electronic notification and a service copy of this filing to all counsel of record

On this 26th day of May, 2025.

/s/Natalie K. Howard
Natalie K. Howard, Esq.
GA Bar No. 889108